IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 23.03.2007

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

Writ Petition No.3253 2007

& M.P.Nos.1 & 2 of 2007

G.Loganathan . Petitioner

Vs.

1.Chennai Metropolitan Development
Authority, rep. by its Member Secretary,
No.8, Gandhi Irwin road, Egmore,
Chennai-600 008.

2.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai-3.

3.Harvinder Singh

4.Tarjeet Singh .. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing respondents 1 and 2 to initiate emergent action against the unauthorised illegal constructions put up by the third and fourth respondents at No.58, General Patters Road, Chennai-2 in accordance with law based on the petitioner's representation dated 13.12.2006.

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For Petitioner : Mr.J.Kannan

For 1st Respondent : Mr.J.Ravindran

For 2nd respondent : Mr.A.Mohamed Ghouse

For respondents 3 and 4 : Mr.R.Thiagarajan

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ORDER

(Order of the Court was delivered by P. SATHASIVAM, J.)

The petitioner has filed the above writ petition to issue a Writ of Mandamus directing respondents 1 and 2 to initiate action against the unauthorised illegal constructions put up by the third and fourth respondents at No.58, General Patters Road, Chennai-2, in accordance with law based on the petitioner's representation dated 13.12.2006.

2. Pursuant to the direction of this Court, on behalf of the second respondent, the Assistant Commissioner(in-charge), Zone-VI of Corporation of Chennai, has filed a report, wherein it is stated as follows:

> "1. It is respectfully submitted that the third and fourth respondents started construction of the building at No.58, General Patters Road, Chennai-600 003, without obtaining necessary planning and building permission from the competent authority. Therefore, the Corporation of Chennai issued notice under Section 236 of Chennai City Municipal Corporation Act 1919 and served on the third and fourth respondents on 11.02.2005, requiring them to stop the unauthorised construction of the building at No.58, General Patters Road, Chennai-600 003. On receipt of the notice under Section 236 of Chennai City Municipal Corporation Act, 1919, they stopped the unauthorised construction of the building.
>
> 2. Thereafter, the third and fourth respondents applied for planning and building permission to the second respondent and the same was sanctioned vide. PPA.No.WDC/06/05891/2005 dated 01.09.2005 and B.A.No.WDC/06/04662/2005 dated 16.09.2005. Then, they proceeded with further construction of the building at No.58, General Patters Road, Chennai-600 003 and completed the same."

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3. In view of the above information, particularly, in paragraph 2 of the report, that respondents 3 and 4 secured a planning permission and based on the same, they have constructed a building at No.58, General Patters Road, Chennai-600 003, we are of the view that no further adjudication is required in this writ petition. Accordingly, the writ petition is closed. No costs. M.P.Nos.1 and 2 of 2007 are also closed.

raa

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

To

1. The Member Secretary
   Chennai Metropolitan Development
   Authority, No.8, Gandhi Irwin road,
   Egmore, Chennai-600 008.

2.The Commissioner,
   Corporation of Chennai,
   Rippon Building, Chennai-3.

+ 1 C.C to Mr.A.Mohamed Ghouse, Advocate SR.No.18564

+ 1 C.C to Mr.R.Thiagarajan, Advocate SR.No.18477

+ 1 C.C to Mr.J.Ravindran, Advocate SR.No.18878

KSJ (CO)
VA [30.03.2007]

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